IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2818 OF 2004

Amit Kumar, Manager of Empire
Group Asiad Circus.....Petitioner

Versus

State of Maharashtra & Ors.....Respodnents

Mr.D.G. Khambata with mr. S.P. Chaturvedi, i/b. Chaturvedi &
Associates for the petitioner
Mr. D.G. Mattos, A.G.P. for Respondent.

CORAM: F.I. REBELLO, J.
DATE : 20th October,2004

P.C.:

1. Rule. Heard forthwith.

2. The petitioner had applied for a license for a circus at Cross Maidan. That was rejected by order dated 20th September, 2004 on the ground that the balance sheet of last 3 years was not accompanied with the application. Rules have been framed for allotment of Maidan. Under Rule 6(vi) those desirous to apply for a circus license have to submit a certificate issued by the Indian Circus Federation, New Delhi, confirming its membership. That had been complied with by the petitioner. Reading of clause (iv) of the Rules clearly will show that it alpplies to Public/Trusts, Societies, Public and Private Limited Companies and Co-operative Societies. The petitioner is a Partnership firm and, therefore, would not be covered by the said clause. Considering that there was no need for submitting the balance sheets. Even otherwise the petitioners have annexed the balance sheets as annexeure to this petition. Considering the above, the following order;-

. The impugned order dated 20th September, 2004 is set

aside. The respondent No.2, considering that there is no other objection against the petitioners, to consider his application and pass appropriate orders on or before 25th October, 2004. Rule made absolute accordingly. No order as to costs.

. The petitioner to appear before the Respondent No.2 on 25th October, 2004 at 11.00 a.m.

. Parties/Authorities to act on an ordinary copy of this order duly authenticated by the Associate/Personal Secretary of this Court.

(F.I.REBELLO, J.)